

# Chapter 2

## Emergency Response Progress

Throughout the 17-year history of Superfund, removal actions have successfully prevented, minimized, or mitigated threats to human health, welfare, or the environment. EPA and potentially responsible parties (PRPs) have initiated 4,490 removal actions to address threats posed by the release or threatened release of hazardous substances, including 252 undertaken in FY97. During FY97, the EPA continued to look for opportunities to expand the use of removal authority to rapidly reduce risks and speed the pace of overall cleanup at Superfund sites.

This chapter discusses the removal action process, the progress achieved through Superfund removals in addressing threats to human health and the environment, the contributions of the Environmental Response Team (ERT), and emergency response rulemaking and guidance development.

---

### 2.1 Removal Action Process

---

Removal actions are taken in response to a release or threat of release of a hazardous substance or of a pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare. Examples of situations that may warrant removal actions include chemical spills or fires at production or waste storage facilities, transportation accidents involving hazardous substances, and illegal disposal of hazardous waste (midnight dumping). A removal action can occur at any point in the Superfund process. Managed by a federal On-Scene Coordinator (OSC), a removal action is often short-term, and addresses the most immediate threats. Removals comply with substantive applicable or relevant and appropriate requirements (ARARs) to

the extent practicable, given the exigencies of the situation. ARARs are substantive requirements of federal and more stringent state environmental laws.

When notified of a release or threat of release that may require a removal action, the Agency (or lead-Agency) conducts a removal site evaluation to determine the source and nature of the release, the threat to public health and the environment, and whether an appropriate response has been initiated. A removal site evaluation could be completed in minutes or months, depending on the specific incident and the information available to determine the need for a removal action. When the removal site evaluation is completed, the Agency reviews the results and other factors to determine the appropriate extent of a removal action. At any point in this process, EPA may refer the site for further evaluation or determine that no further action is necessary. When it concludes that a removal action is required, the Agency undertakes an appropriate response to minimize or eliminate the threat.

The Agency defines three kinds of removal actions based on the time available before a response action must be initiated. “Emergency” removal actions require a prompt response at the site. “Time-critical” removal actions are conducted when the Agency (or lead Agency) concludes that the action must begin within six months. For “non-time-critical” removal actions, the planning period may extend for more than six months; during this planning period, the lead agency conducts an engineering evaluation/cost analysis for the response actions and seeks public comment on the response options.

To document the selection of a response action, the Agency prepares an action memorandum that states the authority for initiating the action, the action to be taken, and the basis for selecting the response. EPA also establishes an administrative record, compiling the documents that form the basis for the selection of the response action. The following sections discuss additional aspects of the removal action process, including community involvement, the role of the OSC, and CERCLA limitations on the scope of removal actions.

### Community Involvement in Removal Actions

EPA provides many opportunities for community involvement during the removal process. The Agency appoints an official spokesperson to keep the public informed of the progress of a given removal action. The administrative record file and index of documents maintained at the central location is made available to the public (except confidential portions) at a repository at or near the site and at EPA offices. If the removal action is expected to continue beyond 120 days, the lead agency must involve local officials and other parties in the process through such

activities as community interviews and a community relations plan.

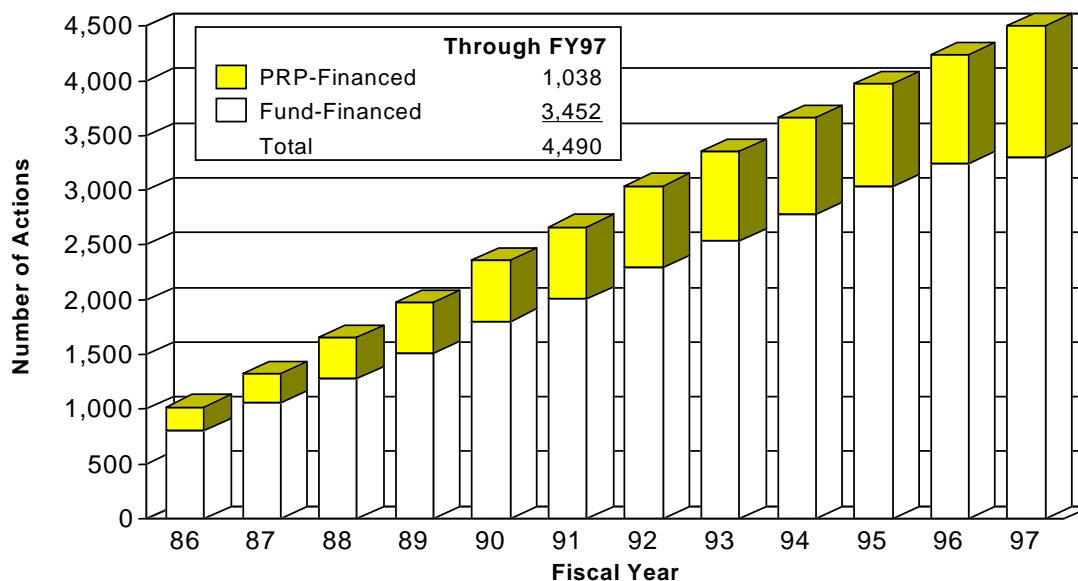
### The On-Scene Coordinator

The OSC organizes, directs, and documents the removal action. The specific responsibilities of the OSC include conducting field investigations, monitoring on-scene activities, and overseeing the removal action. The OSC is required to prepare the action memoranda including description of the need for a removal response, the proposed action, and the rationale for the removal for all fund-financed actions conducted under removal authority. In addition, if requested by the National Response Team, the OSC will prepare a final report that describes the site conditions prior to the removal action, the removal action performed at the site, and any problems that occurred during the removal action.

### Fund-Financed Removal Action Statutory Limits

Removal actions are generally short-term, relatively inexpensive responses to releases or threats

**Exhibit 2.2-1  
Cumulative Removal Action Starts**



Source: CERCLIS (as of September 30, 1997).

of releases that pose a danger to human health, welfare, or the environment. Accordingly, Congress included limitations on removal actions in CERCLA. The cost of a removal action is limited to \$2 million, and the duration is limited to one year. Congress established exemptions from these limitations for specific circumstances. A removal action may exceed the monetary and time limits if:

- Continued response is required immediately to prevent, limit, or mitigate an emergency; there is an immediate threat to public health, welfare, or the environment; and such action cannot otherwise be provided on a timely basis; or
- Continued response action is otherwise appropriate and consistent with the remedial action (RA) to be taken.

## 2.2 Fiscal Year 1997 Progress

Since the inception of Superfund, the Agency and PRPs have begun 4,490 removal actions at

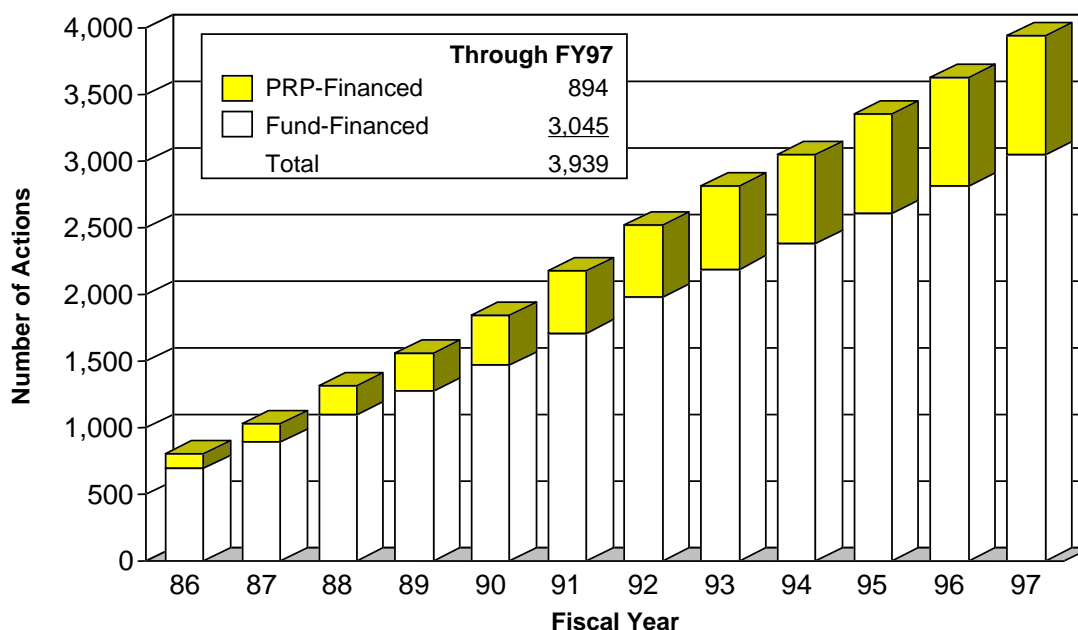
National Priorities List (NPL) and non-NPL sites to address threats to human health, welfare, or the environment posed by releases or potential releases of hazardous substances.

### 2.2.1 Status Report on Removal Progress

Of the 4,490 removal actions undertaken by EPA and PRPs under the Superfund program, 252 were started in FY97 (see Exhibit 2.2-1). Of these 252 removal actions, PRPs financed 43 and EPA financed 209. The removal actions started by PRPs included 12 removal actions at NPL sites and 31 removal actions at non-NPL sites. EPA started 23 removal actions at NPL sites and 186 removal actions at non-NPL sites. The 252 removal actions begun by EPA and PRPs in FY97 compared to 267 started in FY96.

As shown in Exhibit 2.2-2, EPA and PRPs have completed 3,939 removal actions under the Superfund program, including 315 in FY97. Of the 315 removal actions completed during the fiscal year,

**Exhibit 2.2-2  
Cumulative Removal Action Completions**



Source: CERCLIS (as of September 30, 1998) and FY97 Superfund Senior Management Reports.

PRPs financed 85, including 23 at NPL sites and 62 at non-NPL sites. EPA financed 230 of the completed removal actions, including 31 at NPL sites and 199 at non-NPL sites. The 315 actions completed by EPA and PRPs in FY97 compared with 276 completed by EPA and PRPs in FY96.

Removal actions that were begun but are not yet complete are considered "ongoing." Ongoing removals include actions that have been in progress less than 12 months at the end of a fiscal year and removal actions that have been granted exemptions from the statutory one-year duration limit. Sites where a removal action has taken place, but the contaminants have not yet been transported to a disposal facility are also defined as having ongoing removals.